IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6354 of 2007()

CRIME NO. 631/07 OF NARAKAL POLICE STATION
MP.5236/2007 of J.M.F.C.-I,KOCHI

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PETITIONER: ACCUSED NO.1:

BIBEESH, AGED 24 YEARS, S/O.BOSE,
KALARIKKAL HOUSE, OCHANTHURUTH P.O.,
KOCHI-682 508.

BY ADV. SRI.BIMAL PRASAD

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE,
NARAKAL THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6354 of 2007

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Dated this the 23rd day of October, 2007

O R D E R

Application for regular bail. Petitioner is the first accused. Altogether there are four accused persons. The petitioner faces allegations in a crime registered under Sections 457, 380 and 461 r/w. 34 I.P.C. The alleged incident took place on 25.9.2007. The petitioner was arrested on 26.9.07 and he continues in custody from that date.

2. The crux of the allegations is that all the four accused persons committed house trespass and theft of an amount of Rs.9,000/- which was available in the shop of the defacto complainant. An amount of Rs.2,000/-, out of the booty, has allegedly been recovered from the possession of the petitioner. All the other accused, i.e. A2 to 4, were also arrested and have since been released on bail. The petitioner was not released on bail as he was shown to have some criminal antecedents. The petitioner thus continues in custody. The learned Prosecutor fairly submits that the petitioner has no history of any criminal antecedents involving property offence.

3. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

3. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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